

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CROSS LINK, INC. DBA WESTAR
MARINE SERVICES,

Petitioner,

v.

SALT RIVER CONSTRUCTION
CORPORATION,

Respondent.

Case No. [16-cv-05412-JSW](#)

**ORDER VACATING HEARING AND
ORDER TO SHOW WHY COURT
SHOULD NOT STAY ACTION**

Re: Dkt. No. 1

This matter is scheduled for a hearing on December 16, 2016 to consider the petition to confirm an arbitration award. The Court has considered the parties' papers, relevant legal authority, and the record in this case. The Court finds the petition can be resolved without oral argument, and it VACATES the hearing. *See* N.D. Civ. L.R. 7-1(b).

However, the parties' papers show that Respondent has filed a case in Marin County Superior Court, which seeks declaratory relief on the issue of whether it agreed to arbitrate the dispute that give rise both to that litigation and to the arbitration award at issue in this case.

"[T]he power to stay proceedings is incidental to the power inherent in every court to control disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). "The exertion of this power calls for the exercise of sound discretion." *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). The Court considers a number of factors in deciding whether to grant a stay, including "possible damage which may result from granting a stay," the hardship or inequity that may result if a party is required to go forward, and "the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to

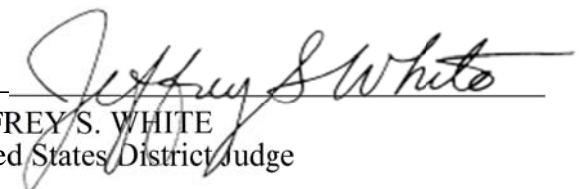
1 result from a stay.” *CMAX, Inc.*, 300 F.2d at 268.

2 The Court HEREBY ORDERS the parties to show cause why this case should not be
3 stayed in favor of the pending state court litigation based on the Court’s inherent authority or for
4 any other legal reasons that might justify a stay.

5 The parties shall file simultaneous briefs to respond to this Order to Show Cause by no
6 later than December 23, 2016. The parties may respond to the opposing party’s arguments by no
7 later than January 6, 2017. There shall be no replies unless ordered by the Court. Once the Court
8 has received the briefs relating to the issue of the stay, the Court shall deem both matters
9 submitted, and it will issue a written ruling in due course.

10 **IT IS SO ORDERED.**

11 Dated: December 9, 2016

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14 JEFFREY S. WHITE
15 United States District Judge
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